

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA                   : CRIMINAL ACTION  
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  :  
ROBERT WENDELL LANDIS                   : NO. 14-379

PHILADELPHIA, PENNSYLVANIA

OCTOBER 28, 2015

BEFORE:                   THE HONORABLE STEWART DALZELL, J.

SENTENCING HEARING

APPEARANCES:

OFFICE OF THE UNITED STATES ATTORNEY  
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(Transcript produced by machine shorthand via C.A.T.)

1     IN ATTENDANCE:

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Adam Sucheski  
Federal Bureau of Investigation

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Leslie Maxwell  
United States Probation Office

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1 (Proceedings commenced at 9:30 a.m.)

2 THE COURT: Good morning, everyone.

3 ALL COUNSEL: Good morning, your Honor.

4 THE COURT: We are together at last for the  
5 sentencing of Robert Wendell Landis, defendant at Criminal  
6 Number 14-379, and representing the Government, as she has  
7 from the beginning of this matter, is Roberta Benjamin. Nice  
8 to see you again.

9 MS. BENJAMIN: Nice to see you, Your Honor.

10 THE COURT: And the case agent is Adam Sucheski of  
11 the FBI.

12 THE AGENT: Yes, Your Honor. Good morning.

13 THE COURT: Welcome to our court. And representing  
14 Mr. Landis is Evan Hughes. Nice to see you again.

15 MR. HUGHES: Good morning, Your Honor.

16 THE COURT: And here from Probation is Leslie  
17 Maxwell.

18 THE PROBATION OFFICER: Good morning, Your Honor.

19 THE COURT: Good to see you.

20 THE PROBATION OFFICER: You, too.

21 THE COURT: And our first order of business is to  
22 review Ms. Maxwell's report, presentence investigation report,  
23 that she revised on October 15, and when she sent her revision  
24 to me the next day, she reported that there were no objections  
25 on the part of the Government. Is that still true?

1 MS. BENJAMIN: I don't know that it's an objection,  
2 Your Honor, but I did put in my Sentencing Memorandum that we  
3 were not --

4 THE COURT: Well, you mentioned -- and I was going  
5 to bring that to your attention. You mentioned a variance,  
6 but as I see paragraph 88, the sentencing range is 87 to 108  
7 months.

8 MS. BENJAMIN: Yes, Your Honor.

9 THE COURT: So, therefore, there's no need for a  
10 variance because the C plea is within that range.

11 MS. BENJAMIN: Yes, Your Honor. Assuming there are  
12 no objections by the defense, then that's fine. If there is  
13 an objection, the obstruction of justice enhancement was one.  
14 I didn't know if the defense was --

15 THE COURT: But the question I have for Mr. Hughes  
16 is, I mean, this is a C plea, so what difference does it make?

17 MR. HUGHES: None, Your Honor, and I have no  
18 objection.

19 MS. BENJAMIN: Then I will remain silent, Your  
20 Honor.

21 THE COURT: Okay. So the only question before the  
22 Court is whether I should accept the C plea, and the  
23 Government has filed a memorandum that I thought was quite  
24 persuasive as to the justification for that because obviously  
25 the victim in the case is, shall we say, an impaired

1 individual.

2 MS. BENJAMIN: Very vulnerable, Your Honor, I would  
3 say, and to ask her at this time -- she's now an adult with a  
4 child of her own, and to ask her to return to this period of  
5 time in 2012 and relive the matter would have been detrimental  
6 to her mental health and that's why we negotiated the plea  
7 that we did, Your Honor.

8 THE COURT: Well, in light of that, it seems to me  
9 very clear that the arrangement that the Government and the  
10 defendant have worked out is in the interest of justice,  
11 particularly because of the vulnerability of the victim, so I  
12 have no hesitation accepting the C plea which, of course, is  
13 90 months incarceration followed by ten years of supervised  
14 release. And, of course, in addition to the usual conditions,  
15 there are some special conditions that I will recite in due  
16 course.

17 I take it, Mr. Hughes, that there is no objection to  
18 the special conditions that are referred to in Ms.  
19 Maxwell's report?

20 MR. HUGHES: No, Your Honor. They've been  
21 previously --

22 THE COURT: I beg your pardon?

23 MR. HUGHES: No, Your Honor.

24 THE COURT: Okay. And also I understand from the  
25 Government's submission to me that the victim has not asked

1     for restitution.

2                 MS. BENJAMIN: That is correct, Your Honor, and has  
3 requested not to file any kind of victim impact statement.

4                 THE COURT: Okay, so it's an affirmative election  
5 not to seek it.

6                 MS. BENJAMIN: That's correct.

7                 THE COURT: Okay. And, of course, under the Plea  
8 Agreement, the Government is going to make an oral motion to  
9 dismiss Counts Four and Five against Mr. Landis; right?

10                MS. BENJAMIN: Yes, Your Honor, we will.

11                THE COURT: So, Mr. Hughes, is there anything you  
12 would like to say? And, of course, I will invite Mr. Landis  
13 to say whatever he would like.

14                MR. HUGHES: My client comes before this Court full  
15 of remorse and regret and he is looking forward to paying his  
16 debt to the United States and getting this matter behind him.

17                We would just ask that Your Honor enforce the terms  
18 of our negotiation. Thank you.

19                THE COURT: Well, Mr. Landis, you have a right to  
20 address the Court even though we have an agreed-upon plea. I  
21 always welcome it when any defendant exercises his right of  
22 what's called allocution, so is there anything you would like  
23 to say to me?

24                THE DEFENDANT: I think --

25                THE COURT: If so, could you come forward.

1           THE DEPUTY CLERK: Will you please raise your right  
2 hand.

3           ROBERT WENDELL LANDIS, DEFENDANT, SWORN.

4           THE DEPUTY CLERK: Thank you.

5           THE COURT: Yes, Mr. Landis, what would you like to  
6 say to the Court?

7           THE DEFENDANT: I think the biggest thing I'd like  
8 to stress to the Court is how -- what I did is several years  
9 old. You know, it's three and a half years ago. Since then,  
10 I'm a different person. I've changed. I've become married  
11 since then. I started a family since then. I have two young  
12 children at home now compared to living the single life back  
13 then, you know, and the biggest thing that hurts me is,  
14 obviously, the victim, but also what I'm hurting my family  
15 with, too, how they're going to have to live with all the  
16 things that occurred.

17          THE COURT: Yes, that must be very difficult.  
18 Anything else you'd like to say?

19          THE DEFENDANT: No.

20          THE COURT: Okay. Well, as I suggested, this is a  
21 pretty straightforward enterprise that we have because we have  
22 an agreed-upon sentence of 90 months to be followed by ten  
23 years of supervised release. And as I suggested earlier with  
24 Mr. Hughes, in addition to the usual conditions of supervised  
25 release, we'll have certain special conditions, namely, that

1 you submit to one drug test within 15 days of commencement of  
2 supervised release. In addition, that you'll participate in a  
3 drug/alcohol abuse program for evaluation and/or treatment and  
4 abide by the rules of any such programs until satisfactorily  
5 discharged. Also, you'll participate in a mental health  
6 program for evaluation and/or treatment and abide by the rules  
7 of any such program until satisfactorily discharged. And  
8 then, of course, you'll participate in a sex offender  
9 treatment program for evaluation and/or treatment and abide by  
10 the rules of any such program until satisfactorily discharged.  
11 I'm going to oblige you to report to the U.S. Probation Office  
12 any regular contact with children of either sex under the age  
13 of 18 and you should not obtain employment or perform  
14 volunteer work which involves regular contact with children  
15 under the age of 18. And, of course, as I said to you when  
16 you pled guilty, you'll be obliged to register with the state  
17 offender registration agency in any state where you reside or  
18 are employed, carry on a vocation, or are a student. And, of  
19 course, you'll cooperate with Probation in the collection of  
20 DNA. You will submit to an initial inspection by the U.S.  
21 Probation Office and to any examinations during supervision of  
22 your computer and any devices, programs, or application and  
23 you shall allow the installation of any hardware or software  
24 equipment which monitor or filter computer use. I think that  
25 does it.



1           Now, of course, the special assessment of \$300 is,  
2   for the record, due immediately. If you can't pay it  
3   immediately, you can earn it out in the Inmate Financial  
4   Responsibility Program. Understand?

5           THE DEFENDANT: Yes.

6           THE COURT: And, of course, even though I've  
7   accepted the agreed-upon sentence that your able lawyer and  
8   the Government have worked out, you, nevertheless, have a  
9   right to appeal the sentence that I have imposed even though I  
10  think it's unlikely there will be any appeal because I've  
11  accepted the recommendation of the C plea. But to the extent  
12  that you have something you want to bring to the attention of  
13  the Court of Appeals, you have 14 days from today to do so.  
14  Understand, sir?

15          THE DEFENDANT: Yes.

16          THE COURT: Okay. Anything else from the  
17  Government?

18          MS. BENJAMIN: No, except I will formally move to  
19  dismiss Counts Four and Five.

20          THE COURT: Four and Five. So your oral motion to  
21  dismiss in accordance with the Plea Agreement is granted and  
22  I'll do a written order to that effect.

23          MS. BENJAMIN: Thank you very much, Your Honor.

24          THE COURT: Okay, and I thank you all very much and  
25  I thank the lawyers for their hard work in this difficult

1 matter. Thank you.

2 MS. BENJAMIN: Thank you.

3 MR. HUGHES: Thank you, Your Honor.

4 (Proceedings concluded at 9:49 a.m.)

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C E R T I F I C A T E

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8 I certify that the foregoing is a correct transcript

9 from the record of the proceedings in the above-entitled

10 matter.

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Kathleen Feldman, CSR, CRR, RPR, CM  
15 Official Court Reporter

16 Date: \_\_\_\_\_

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<b>\$</b>	<b>accept</b> <sup>[1]</sup> - 4:22 <b>accepted</b> <sup>[2]</sup> - 9:7, 9:11 <b>accepting</b> <sup>[1]</sup> - 5:12 <b>accordance</b> <sup>[1]</sup> - 9:21	7:13 <b>bring</b> <sup>[2]</sup> - 4:5, 9:12 <b>Bureau</b> <sup>[1]</sup> - 2:3 <b>business</b> <sup>[1]</sup> - 3:21 <b>BY</b> <sup>[1]</sup> - 1:19	1:23 <b>CRIMINAL</b> <sup>[1]</sup> - 1:4 <b>Criminal</b> <sup>[1]</sup> - 3:5 <b>CRR</b> <sup>[2]</sup> - 1:22, 10:14 <b>CSR</b> <sup>[2]</sup> - 1:22, 10:14	<b>equipment</b> <sup>[1]</sup> - 8:24 <b>ESQUIRE</b> <sup>[2]</sup> - 1:14, 1:19 <b>evaluation</b> <sup>[3]</sup> - 8:3, 8:6, 8:9 <b>EVAN</b> <sup>[1]</sup> - 1:19 <b>Evan</b> <sup>[1]</sup> - 3:14 <b>examinations</b> <sup>[1]</sup> - 8:21 <b>except</b> <sup>[1]</sup> - 9:18 <b>exercises</b> <sup>[1]</sup> - 6:21 <b>extent</b> <sup>[1]</sup> - 9:11
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